PROB 12C
(7/93)

Report Date: February 12, 2013

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Figueroa   Case Number: 2:06CR06059-001

Address of Offender

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 8/24/2007

Original Offense: Felon in Possession of Ammunition, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 48 Months;   Type of Supervision: Supervised Release
                         TSR - 36 Months

Asst. U.S. Attorney: Gregory M. Shogren   Date Supervision Commenced: 11/30/2012

Defense Attorney: Alex B. Hernandez, III   Date Supervision Expires: 12/29/2014

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
1	**Mandatory Condition # 2**: The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Michael Figueroa is considered in violation of his term of supervised release by being arrested for disorderly conduct on or about December 1, 2012. According to the Pasco Police Department incident report, a Port of Pasco security guard observed a vehicle driving in the port area with two males who appeared to be drinking and intoxicated. The security officer followed the vehicle and reported the information to the police department. At one point, the driver of the vehicle pulled over and the passenger, Michael Figueroa, exited the car and attempted to block the security guard's vehicle from moving. As the security officer drove his vehicle around the defendant, Mr. Figueroa hit the side mirror with his hand. When officers contacted the defendant, he had bloodshot eyes, slurred speech, and smelled strongly of alcohol. The defendant had outstanding warrants and was detained. He became upset when arrested and kicked the officer's patrol vehicle's passenger side rear door.

Mr. Figueroa was transported to the county jail and cited with disorderly conduct under Pasco Municipal Court case 2Z0898347. The defendant pled guilty by an Alford Plea on December 3, 2013, and received a $600 fine and unmonitored probation.

2   **Special Condition # 15**: You shall undergo a substance abuse evaluation and if indicated enter into and successfully complete an approved substance abuse treatment program, including aftercare.

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Defendant shall contribute to the cost of treatment according to defendant's ability. Defendant shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

<u>Supporting Evidence</u>: Michael Figueroa is considered in violation of his term of supervised release and he has failed to complete a substance abuse evaluation as required since February 5, 2013. Mr. Figueroa was referred to First Step Community Counseling Services on December 2, 2012, to begin submitting to random drug testing and to complete a substance abuse evaluation. The defendant contacted First Step and scheduled his assessment appointment for December 26, 2012. On the day of his appointment, he contacted First Step and cancelled the appointment due to lack of transportation. He set a new appointment for January 14, 2013. The defendant subsequently was a no call/no show for this appointment. Mr. Figueroa set up another appointment for January 28, 2013, and again was a no call/no show for the appointment. He stated that on both occasions he missed his appointments due to oversleeping. Mr. Figueroa set up his fourth appointment for February 5, 2013, and again failed to show up. Currently, the defendant has an appointment set for February 25, 2013. At this point, the defendant has failed to follow through with his assessment and is considered in violation of his treatment condition.

3   <u>Special Condition # 16</u>: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six test per month, in order to confirm continued abstinence from these substances.

<u>Supporting Evidence</u>: Michael Figueroa is considered in violation of his term of supervised release as he consumed methamphetamine on or about January 4, 2013.

Mr. Figueroa was referred to First Step Community Counseling Services on December 2, 2012, to begin submitting to random drug testing. He failed to appear for a drug test on December 18, 2012. Because it was his first miss, he was given a verbal reprimand for the violations. The defendant subsequently missed another drug test on January 2, 2013, and this officer contacted the defendant at his residence the following day. He stated that he had been sleeping and forgot to call. He was instructed to report to my office that same day for his monthly report and to submit a drug test. The defendant did not make it to the office as instructed, but contacted this officer advising he had no transportation. Mr. Figueroa reported to the U.S. Probation Office on December 4, 2013, and submitted a drug test, which was presumptive positive for methamphetamine and marijuana. The defendant denied any use. The sample was sent to Alere Toxicology Services, and confirmation was received on January 10, 2013, verifying the sample was positive for methamphetamine.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/12/2013
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s/SanJuanita B. Coronado
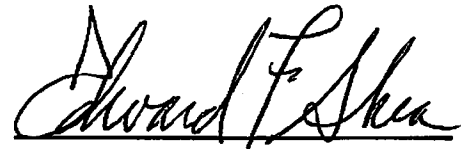_____

SanJuanita B Coronado
U.S. Probation Officer

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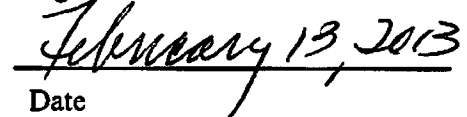**February 12, 2013**
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THE COURT ORDERS

[ ]   No Action
[ ]   The Issuance of a Warrant
[X]   The Issuance of a Summons
[ ]   Other

Edward F. Shea
Signature of Judicial Officer

February 13, 2013
Date